IN THE HIGH COURT OF JUDICATURE AT BOMBAY
CRIMINAL APPELLATE JURISDICTION
CRIMINAL APPEAL NO. 340 OF 1989

The State of Maharashtra ...Appellant

V/s

Ajit Shankar Bhosale
Age Yrs Occ. Business
R/o. 152/A, Aundh, Pune. ...Respondent.

Mr. A.M. Shringarpure, APP for the appellant - State.

Mr. Rajiv Mane for the respondent.

CORAM: V.M.KANADE,J.

DATE: 13th September, 2004

ORAL JUDGMENT:

1. Heard the learned APP for the appellant - State and Shri Mane, the learned Counsel appearing on behalf of the respondent.

2. The State is challenging the judgment and order passed by the Chief Judicial Magistrate, Pune whereby the accused was acquitted of the Charge of section 457 read with section 34 of the I.P.C. and section 506 and 427 of the I.P.C.

3. Prosecution examined in all 11 witnesses. The Trial Court has observed that the oral evidence regarding possession of the complainant of the disputed premises is not satisfactory and the only

evidence of the complainant, his wife and his friend Adam has been adduced. The Trial Court has observed that not a single person from the locality had come forward to support the story of the complainant. The Trial Court has observed that the evidence of prosecution witnesses is full of contradictions and omissions. The Trial Court has further observed that the prosecution has not examined the Surveyor and has come to the conclusion that on account of his non-examination, the complainant's case is not proved.

4. The incident in question is of 15/8/1984. More than 20 years have been passed after the said incident. In my view, finding given by the Trial Court is not perverse. There is no reason why the said finding should be altered after a lapse of 20 years. Appeal against the acquittal dismissed.

V.M. KANADE, J.